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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,978	04/18/2001	Werner Metz	INTL-0489-US (P10269)	9073

7590 02/09/2005  
 Timothy N. Trop  
 TROP, PRUNER & HU, P.C.  
 8554 KATY FWY, STE 100  
 HOUSTON, TX 77024-1805

EXAMINER
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KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/836,978

**Applicant(s)**

METZ

**Examiner**

Srilakshmi K. Kumar

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,14,15,17-21,26-28 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-11, 14, 15, 17-21, 26-28 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The following office action is in response to the RCE/Amendment filed January 10, 2005.

Claims 1, 5, 11, 15, 18, 20, 21, 26-28, and 30 have been amended. Claims 2-4, 12, 13, 16, 22-25, and 29 have been cancelled. Claims 1, 5-11, 14, 15, 17-21, 26-28 and 30 are pending.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-11, 14, 15, 17-21, 26-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Mumford (US 6,377,249).

As to independent claims 1, 11 and 20, Mumford discloses a method comprising, a processor (col. 6, lines 10-15), resolving a display into at least two regions (col. 6, lines 10-15); generating a different sequence of characteristic values in each corresponding to a primary color (col. 8, lines 7-47) in each of said regions until the position of a sensor with respect to said regions is determined (col. 17, lines 15-47, col. 18, lines 9-49).

As to dependent claim 14, limitations of claim 11, and further comprising, wherein generating a different sequence includes generating a different sequence of color values in each region (col. 17, lines 15-47).

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As to dependent claim 15, limitations of claims 11, and further comprising, including generating a different sequence of at least three color values (col. 17, lines 15-47, RGB, and col. 19, lines 1-22).

As to dependent claims 5 and 26, limitations of claims 1 and 20, and further comprising, including generating a different sequence of only two color values (col. 17, lines 15-47, grey scale).

As to dependent claims 6, 17 and 27, limitations of claims 1, 11 and 20, and further comprising, including displaying a series of frames and interspersing, among said frames, additional frames having at least two regions each displaying a sequence of characteristic values (col. 18, lines 9-49).

As to dependent claim 7, limitations of claim 6, and further comprising, including displaying said additional frames in a fashion such that they are substantially undetectable by the user (col. 18, lines 9-49).

As to dependent claims 8, 18 and 28, limitations of claims 1, 11 and 20, and further comprising, including generating a different sequence of characteristic values by displaying a time sequence of frames each including at least two regions, and each of said regions displaying a timed sequence of characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

As to dependent claims 9, 19 and 29, limitations of claims 1, 11 and 20, and further comprising, including interspersing frames containing said characteristic values and frames not containing said characteristic values (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

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As to dependent claim 10, limitations of claim 1, and further comprising, including developing a sequence using fewer characteristic values than the number of regions (col. 18, lines 9-49).

As to dependent claim 21, wherein the display is coupled to said processor. Mumford discloses in Fig. 1, where item 12 is the display and item 16 is the computer processor, where the display and processor are shown to be coupled together.

As to dependent claim 30, limitations of claim 28, and further comprising, wherein said sensor is a light sensor that detects a characteristic value in the form of light (col. 17, lines 15-47, col. 18, lines 9-49 and col. 19, lines 1-22).

### ***Response to Arguments***

3. Applicant's arguments filed January 10, 2005 have been fully considered but they are not persuasive.

Applicant argues that Mumford does not disclose generating a different sequence of characteristic values corresponding to primary colors, and where Mumford discloses in col. 8, lines 39-40 teaches the use of a color gradient. Examiner, respectfully, disagrees. Mumford discloses in col. 8, lines 7-18 the use of primary colors for the different sequences generated.

Mumford discloses an electronic light pen when used in conjunction with a video display permits the position of the light pen to be determined with respect to the video display by the particular color or grey scale value of light emitted by the video display and received by the electronic pen. The light from the video display is separated into three primary colors for a color display (red, blue and green), and separated into grey scale shades for a monochrome display. In col. 8, lines 38-46, Mumford discloses quickly changing screens, to present a plurality of a few

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different color screens in quick succession one after the other. Col. 9, lines 1-19, Mumford discloses where all of the pixels of the display screen could change in RGB value very quickly over time, yet would have a unique value at any given time. As disclosed above, Mumford discloses generating a different sequence of characteristic values corresponding to a primary color, therefore, the above rejection is maintained.

***Conclusion***

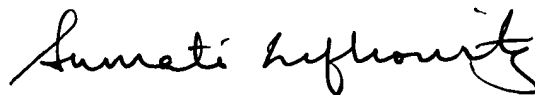
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (703) 306-0403. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar  
Examiner  
Art Unit 2675

SKK  
February 4, 2005

  
SUMATI LEFKOWITZ  
PRIMARY EXAMINER